

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 20, 2001
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:06 a.m. The meeting was recessed by Mayor Murphy at 10:06 a.m. to convene as the Special Joint Council Meeting with The Redevelopment Agency and The Redevelopment Agency thereafter. The regular meeting was reconvened by Mayor Murphy at 11:05 a.m. with Council Member Wear not present and Districts 6 vacant. Mayor Murphy adjourned the meeting at 12:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:07 p.m. with all Council Members present and District 6 vacant. The meeting was recessed by Mayor Murphy at 4:47 p.m. for a short break. Mayor Murphy reconvened the meeting at 4:53 p.m. with all Council Members present and District 6 vacant. The meeting was adjourned by Mayor Murphy at 5:38 p.m. into Closed Session immediately thereafter in the twelfth floor conference room to discuss anticipated and pending litigation and Meet and Confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-not present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council District-vacant

(7) Council Member Madaffer-present

(8) Council District-Inzunza

Clerk-Abdelnour/Fishkin (rl/er)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-not present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council District-vacant
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

CLOSED SESSION ANNOUNCEMENT:

The City Attorney announced that in Closed Session today, by a 7 to 0 vote with District 2 absent and District 6 vacant, the City Council authorized an appeal, if necessary, in the case of Lee v. City of San Diego, et. al., U.S. District Court Case No. 98CV1292.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

William Claycomb commented regarding California's energy crisis and the use of Solar electricity as a solution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A020-075.)

PUBLIC COMMENT-2:

Billy Paul commented regarding filling vacant Council seats, trailing items on Ballpark issues and re-voting. Mr. Paul also made comments regarding Council policies surrounding the Ethics Committee.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A076-109.)

PUBLIC COMMENT-3:

Dan Beeman commented regarding the possible use of the Naval Training Center for housing DeAnza Cove residences. Mr. Beeman also commented about power outages.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A110-150.)

COUNCIL COMMENT:

COUNCIL COMMENT -1: **REFERRED TO CITY MANAGER**

Mayor Murphy commented on electricity blackouts in San Diego and directed the City Manager to present an oral report at Rules on March 21, 2001 on the affect blackouts have on San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A151-170.)

COUNCIL COMMENT -2: **REFERRED TO CITY MANAGER**

Council Member Peters commented on blackouts, asking the City Manager to include in his report how the City prioritizes restoring service to traffic signals during these blackouts, specifically near schools. Council Member Peters also gave Council a copy of "The Green Book", a concise history and description of the wonderful national reserve San Diego has in District 1.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A171-209.)

COUNCIL COMMENT -3: **REFERRED TO CITY MANAGER**

Council Member Maienschein commented on the effect blackouts have on Police, Fire and traffic. Council Member Maienschein requested the City Manager to address how the grids are decided as to which intersections are going to lose power, and what can be done to avoid this in critical areas especially, and how can we prioritize or do something to have an effect on this.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A210-232.)

Council Member Madaffer commented on the energy issue. He inquired of the City Attorney to investigate as to what extent the City of San Diego, as a Charter City, has in the role of making an inquiry of the California ISO as to whether or not there is sufficient power in the San Diego Region, are the generators in the San Diego region operating at optimal capacity, and why does San Diego have to suffer these health and safety consequences when San Diego seems to have sufficient power in San Diego to keep these blackouts from occurring. Council Member Madaffer wants assurance that any and all generating power within our region is in fact operating. Council Member Madaffer requested the City Attorney to investigate the issue of whether the City of San Diego has within its legal ability the power to file against ISO and keep San Diego Gas and Electric off the list for being shut down since the problem exists within PG&E.

COUNCIL ACTION: (Tape location: A233-290; A330-350.)

Council Member Stevens commented on the power crisis in San Diego and desires the City Council to address this problem.

COUNCIL ACTION: (Tape location: A291-329; A358-360.)

COUNCIL COMMENT -6: **REFERRED TO CITY MANAGER
AND CITY ATTORNEY**

Mayor Murphy followed up on Council Member Madaffer's comment requesting that every alternative be explored regarding black outs and San Diego's generating power capacity. Mayor Murphy directed the Rules Committee Consultant to place the blackout issue on the agenda for addressing. Mayor Murphy further requested the City Attorney to place on the agenda for closed session in one week the discussion of potential litigation. Mayor Murphy further commented that in 2 weeks the Rules Committee will have a complete noticed hearing to vote to do something about these blackouts.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A351-357.)

COUNCIL COMMENT -7: **REFERRED TO CITY MANAGER AND CITY
ATTORNEY**

Council Member Atkins agreed with all the statements made pertaining to the blackouts. Council Member Atkins would like to receive information on what the notification process is when a blackout is scheduled.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A361-370.)

ITEM-310: Chevron Gas Station - Sorrento Hills.

Request by Chevron Products, and Richard Kiy for Torrey Hills Community Coalition, for an appeal of the decision of the Planning Commission in denying the appeal of the Hearing Officer's decision and approving the proposed project with modifications. The project proposed by Chevron Corporation is to construct and operate a limited-hours gas station, mini-mart and automated car wash facility on a vacant 2.48-acre site located at the southwest corner of Carmel

Mountain Road and East Ocean Air Drive within the Sorrento Hills Community Plan area.

(99-1200 PCD/CUP. Sorrento Hills Community Plan Area. District-1.)

TODAY'S ACTION IS:

GRANTED HEARING OF APPEAL

A motion either granting or denying the request for a hearing of the appeal.

NOTE: Pursuant to the requirements of the San Diego Municipal Code, no oral presentations shall be made to the Council by either the proponents or opponents of the project.

If the request to allow an appeal is granted, time has been reserved for the project to be heard on April 17, 2001, at 10:00 a.m.

SUPPORTING INFORMATION:

The 2.48-acre project site is located at the southwest corner of Carmel Mountain Road and East Ocean Air Drive within the CC-1-3 (formerly the CA) zone of the Sorrento Hills Community Plan. The project proposes to construct and operate a self-service gasoline station, convenience store, and an automated car wash on the subject property.

The Hearing Officer on December 13, 2000, approved the project.

The Planning Commission on February 1, 2001, voted 6-0 to deny the appeal of the Hearing Officer's decision and approve the project subject to modifications of the hours of operation permitted, enhanced landscaping, and reduced signage.

Ayes: Steele, Anderson, Garcia, Butler, Brown, Stryker
Not Present: Skorepa

The Sorrento Hills Community Planning Group has recommended denial of the project.

FILE LOCATION: PERM-99-1200 (65)

COUNCIL ACTION: (Tape location: B247-289.)

MOTION BY PETERS TO GRANT THE HEARING OF APPEAL. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-330: Headquarters Point Research Park.

(Continued from the meeting of December 12, 2000, Item 331, at the request of the City Manager for further review and to readvertise.)

Matter of approving, conditionally approving, modifying or denying an Open Space Easement Vacation (OS)/Rezone (RZ)/Vesting Tentative Map (VTM)/Planned Industrial Development (PID)/Coastal Development Permit (CDP) to vacate an open space easement, rezone a 10.3 acre site from RS-1-1 (R1-40000) to IL-2-1 (M1-B) zone and to subdivide the site into two lots and develop a planned industrial development located immediately east of Interstate 805 (I-805) on Headquarters Point between Wateridge Circle and Lusk Boulevard in the Mira Mesa Community Plan area.

(99-0036 OS Vacation/RZ/VTM/PID/CDP. Mira Mesa Community Plan area. District-5.)

NOTE: Hearing Open. No testimony taken on 12/12/2000.

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems B and E; adopt the resolution in subitem C to grant the map; adopt the resolution in subitem D to grant the permit; and introduce the ordinance in subitem A:

Subitem-A: (O-2001-103) CONTINUED TO TUESDAY, JUNE 12, 2001, WITH
DIRECTION

Introduction of an Ordinance changing 10.3 acres, located between Wateridge Circle and Lusk Boulevard, in the Mira Mesa Community Plan area, from the

RS-1-1 (R1-40000) zone to the IL-2-1 (M1-B) zone, as defined by San Diego Municipal Code Section 131.0603 (101.0435.2); and repealing Ordinance No. 8485 (New Series), adopted June 22, 1961.

Subitem-B: (R-2001-925 Cor. Copy) CONTINUED TO TUESDAY, JUNE 12, 2001, WITH DIRECTION

Adoption of a Resolution certifying that the information contained in Environmental Impact Report LDR No. 99-0036 Supplement to EIR No. 96-0265, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations section 15000 et seq.), and that said EIR reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for this project;

that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the Findings made with respect to the project;

that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations;

and that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

Subitem-C: (R-2001-) CONTINUED TO TUESDAY, JUNE 12, 2001, WITH DIRECTION

Adoption of a Resolution granting or denying Vesting Tentative Map No. 99-0036, with appropriate findings to support Council action.

Subitem-D: (R-2001-) CONTINUED TO TUESDAY, JUNE 12, 2001, WITH DIRECTION

Adoption of a Resolution granting or denying Planned Industrial Development/Coastal Development Permit No. 99-0036, with appropriate findings to support Council action.

Subitem-E: (R-2001-1195) CONTINUED TO TUESDAY, JUNE 12, 2001,
WITH DIRECTION

Adoption of a Resolution vacating the open space easement located between Wateridge Circle and Lusk Boulevard in the M1-B (IL-2-1) zone of the Mira Mesa Community Plan, a portion of Lot 10 of Corporate Research Park II, Map No. 13605, filed July 27, 1998 (APN 340-090-55), in connection with the Headquarters Point Research Park development.

OTHER RECOMMENDATIONS:

The Planning Commission on December 7, 2001, voted 7 - 0 to recommend to the City Council that they deny this project based on the fact that the fundamental issue of the Open Space Vacation needs to be resolved before the project can be evaluated and the decision should be reviewed by the Planning Commission and City Council concurrently; and the additional information requested of staff was not provided to the Commission prior to the hearing.

Ayes: Steele, Anderson, Brown, Butler, Skorepa, Stryker, Garcia

The Mira Mesa Community Planning Group on October 18, 1999, voted 11-0-1, with conditions, to recommended approval of the project.

SUPPORTING INFORMATION:

Headquarters Point Research Park proposes a rezone from R1-40000 (RS-1-1) to M1-B (IL-2-1) (Industrial), subdivision of a 10.3 acre site into two lots for development by means of a Rezone/Vesting Tentative Map/Planned Industrial Development/Coastal Development Permit to allow the development of an industrial project in the Mira Mesa Community Plan area.

The Mira Mesa Community Planning Group, voted 11:0:1 on October 18, 1999, to recommend approval with the following additional conditions:

1. All buildings shall be limited to a maximum of three stories in height;

2. Prior to the issuance of any building permit, a development plan package as defined on page 15 and 16 of the PID Text, shall be submitted to the Mira Mesa Community Planning Group for their review and approval, and;
3. Offsite acquisition required as mitigation for project impacts to the MHPA should be focused on sites north of State Route 52.

City Staff recommends certification of the Environmental Impact Report LDR No. 99-0036; adoption of the Mitigation Monitoring and Reporting Program with all mitigation necessary to reduce, to a level of insignificance, all significant impacts of the project as identified in the EIR; adoption of the Findings and Statement of Overriding Considerations; adoption of the rezone; approval of the Vesting Tentative Map; and approval of the Planned Industrial Development/Coastal Development Permit 99-0036 with the conditions recommended by the Mira Mesa Community Planning Group and those contained in the draft Tentative Map resolution and draft permit.

Headquarters Point Research Park - Open Space Easement Vacation proposes an open space easement vacation on City-owned property to allow development of an industrial project in the Mira Mesa Community Plan area. At Council direction on December 12, 2000, Headquarters Point Research Park, was continued to March 13, 2001 to allow the open space easement vacation to be brought forward for consideration and to consolidate all necessary actions to make a decision on the entire project. The open space easement was discovered during the final review of the project after title to the property transferred from the owner to the City.

The easement is referenced only on the grant deed and not on the recorded subdivision map or title report. The vacation of the open space easement will not affect local or regional transportation facilities. City staff supports the necessary findings reflected in the vacation resolution and recommends certification of the Environmental Impact Report LDR No. 99-0036; adoption of the Mitigation Monitoring and Reporting Program with all mitigation necessary to reduce, to a level of insignificance, all significant impacts of the project as identified in the EIR; and approval of the Open Space Easement Vacation.

FISCAL IMPACT: None.

No cost to the City, all costs are recovered by a deposit account funded by the applicant.

Loveland/Christiansen/JSF

LEGAL DESCRIPTION:

The project site is located within the Mira Mesa community on the east side on Interstate 805 between Vista Sorrento Parkway to the west, Mira Mesa Boulevard to the south and Lusk Boulevard to the north and is more particularly described as a portion of Lot 10 of Map 13604.

FILE LOCATION: Subitem A,B,C,D,E: PERM-99-0036 (65)

COUNCIL ACTION: (Tape location: A413-499.)

MOTION BY MAIENSCHIN TO CONTINUE TO TUESDAY, JUNE 12, 2001 FOR FURTHER REVIEW WITH THE FOLLOWING DIRECTION TO THE CITY MANAGER TO ISSUE A DETAILED REPORT ADDRESSING THE MULTITUDE OF PROCEDURAL ISSUES ASSOCIATED WITH THIS PROJECT INCLUDING:

A) THE CITY'S POLICY RELATING TO THE VACATION OF AN OPEN SPACE EASEMENT. IF THERE IS NO POLICY, THEN ONE SHOULD BE DEVELOPED;

B) POTENTIAL LAND AND BIOLOGICAL MITIGATION OPPORTUNITIES FOR THIS PROJECT IF IT WAS TO BE APPROVED IN THE FUTURE;

C) A FULL DISCUSSION OF THE HISTORY OF THIS PROJECT AND A CHRONOLOGICAL PROGRESSION OF THE EVENTS LEADING UP TO THIS POINT;

D) THE FINANCIAL AND ENVIRONMENTAL BENEFITS RESULTING IN THE SALE OF THIS CITY OWNED ASSET. AS MANY OF YOU KNOW I AM NOT NORMALLY IN FAVOR OF SELLING ANY CITY ASSETS UNLESS THERE ARE EXTRAORDINARY CIRCUMSTANCES. IF, IN THIS CASE, THERE IS AN EXTRAORDINARY GAIN IN THE PROTECTION OF OUR ENVIRONMENT AND AN EXPANSION OF THE MSCP, THEN I WOULD AT LEAST CONSIDER THIS SALE. BUT IT MUST BE PROVEN BEYOND A REASONABLE DOUBT;

E) RESPOND TO THE ISSUES RAISED BY THE SIERRA CLUB IN A LETTER TO THE PLANNING COMMISSION DATED MARCH 20, 2001. THAT LETTER IS IN OUR BACKUP AND I'D BE MORE THAN HAPPY TO PROVIDE A COPY IF NEEDED. Second by Peters. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Kasai Mondeck Property.

(Continued from the meeting of February 20, 2001, Item 330, at the request of staff for further review.)

Matter of approving, conditionally approving, modifying or denying a Rezone/Tentative Map (TM)/Planned Residential Development (PRD)/Resource Protection Ordinance (RPO) to develop fifty-seven detached and twelve attached single family units on approximately thirty-eight acres south of proposed State Route 56 and west of Caminito Mendiola in the Pacific Highlands Ranch Subarea III Plan, with an option to develop sixty-two detached single family units on the site and the twelve attached apartments at another location offsite.

(TM/PRD/RPO 99-1088. Pacific Highlands Ranch Subarea III Community Plan Area. District-1.)

NOTE: Hearing open. No testimony taken on 2/20/2001.

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem B; adopt the resolution in subitem C to grant the map; adopt the resolution in subitem D to grant the permit; and introduce the ordinance in subitem A:

Subitem-A: (O-2001-118) INTRODUCED, TO BE ADOPTED ON MONDAY,
APRIL 2, 2001, WITH DIRECTIONS

Introduction of an Ordinance changing 38.3 acres, located south of proposed State Route 56 and west of Caminito Mendiola in the Pacific Highlands Ranch Subarea III Plan area, from the AR-1-1 zone (previously referred to as the A-1-10 zone) to the RX-1-2 zone.

Subitem-B: (R-2001-1127) ADOPTED AS RESOLUTION R-294669

Adoption of a Resolution certifying that pursuant to California Public Resources Code Section 21157.1 and California Code of Regulations Section 15177, the City Council finds that the Kasai Mondeck Property project is a subsequent project within the scope of Master Environmental Impact Report No. 96-7918,

that no additional significant environmental effect will result from the proposal, and that no new additional mitigation measures or alternative may be required;

Certifying that the information contained in Findings to a Master Environmental Impact Report No. 99-1088 (Findings to EIR-96-7918 [MEIR SCH No. 97111077]), has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and reflects the independent judgment of The City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the development of the Kasai Mondeck property;

Adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

Subitem-C: (R-2001-) ADOPTED AS RESOLUTION R-294670 GRANTING
THE MAP, WITH DIRECTIONS

Adoption of a Resolution granting or denying Tentative Map No. 99-1088, with appropriate findings to support Council action.

Subitem-D: (R-2001-) ADOPTED AS RESOLUTION R-294671 GRANTING
THE PERMIT, WITH DIRECTIONS

Adoption of a Resolution granting or denying Planned Residential Development/Resource Protection Ordinance Permit No. 99-1088, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on January 25, 2001, voted 4-0 to recommend approval of the staff's recommendation including the additional conditions read into the record during the hearing; was opposition.

Ayes: Butler, Garcia, Steele, Stryker
Not present: Anderson, Brown, Skorepa

There is no officially recognized community planning group for this area.

SUPPORTING INFORMATION:

Kasai Mondeck Property proposes a rezone from A-1-10 (AR-1-1) to RX-1-2 (Residential), subdivision of a 38.3 acre site to develop fifty-seven detached single family units and twelve attached apartments, with an option to develop sixty-two detached single family units on-site and twelve attached apartments at an offsite location by means of a Rezone/Tentative Map/Planned Residential Development/Resource Protection Ordinance Permit.

There is no officially recognized community planning group for this area. The Carmel Valley Community Planning Group, the adjacent community, voted 12:0:0 on January 9, 2001, to recommend as follows: "If the trail is to be relocated to run along Carmel Valley Road, Rancho Santa Fe Farms Road and public Street "A," it must be formulated as an expanded landscaped parkway with setbacks and easements, allowing it to wind through the community."

The Planning Commission voted 4:0:0 to recommend approval of the staff's recommendation including the additional conditions read into the record during the hearing.

City Staff recommends certification of the Findings to Master Environmental Impact Report LDR-99-1088; adoption of the Mitigation Monitoring and Reporting Program with all mitigation necessary to reduce, to a level of insignificance, all significant impacts of the project as identified in the Findings; and adoption of the rezone ordinance, approval of the Tentative Map; and Planned Residential Development/Resource Protection Ordinance Permit 99-1088 with the conditions contained in the draft Tentative Map resolution and draft permit.

FISCAL IMPACT: None.

No cost to the City, all costs are recovered by a deposit account funded by the applicant.

Loveland/Christiansen/JSF

LEGAL DESCRIPTION:

The project site is located in the Pacific Highlands Ranch, Subarea III, of the North City Future Urbanizing Area (NCFUA), just west and north of Caminito Mendiola and would be accessed by proposed public Street "A." The western portion of the project site would be bordered by SR-56 which runs northeast/southwest. The project site is more particularly described as Parcels A & B of Map No. 12337.

FILE LOCATION: Subitem A: None
Subitems B,C,D: PERM-99-1088 (65)

COUNCIL ACTION: (Tape location: D013-126.)

Hearing began at 2:09 p.m. and halted at 2:17 p.m.

Testimony in opposition by Kim Peterson.

Testimony in favor by Stefan Lacasse and Steve Wall.

MOTION BY PETERS TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTIONS GRANTING THE MAP AND GRANTING THE PERMIT WITH THE FOLLOWING DIRECTIONS:

- 1) STAFF SHALL OBTAIN AN INDEMNITY FROM THE DEVELOPER THAT WILL COVER THE CITY IN THE EVENT OF AN INVERSE CONDEMNATION CLAIM CONCERNING THE EASEMENT.
- 2) STAFF SHALL WORK DIRECTLY WITH THE APPLICANT TO EXPLORE THE POSSIBILITY OF CONSTRUCTING A SOUND MITIGATING BERM WITHIN THE 100-FOOT BUFFER THAT RUNS ALONG THE NORTHERN EDGE OF PUBLIC STREET A. Second by Atkins. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-nay, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Barczewski Property.

(Continued from the meeting of February 20, 2001, Item 331, at the request of the staff for further review.)

Matter of approving, conditionally approving, modifying or denying the Street Vacation/Rezone/TM/PRD/RPO to develop 100 detached single-family units and thirty-two multi-family apartments on twenty-six acres, with an option to develop 110 detached single-family units on the site and the thirty-one multi-family affordable apartments at another location offsite, located at 6559 Black Mountain Road in the Pacific Highlands Ranch Subarea III Plan.

(Street Vacation/Rezone/TM/PRD/RPO-99-1087. Pacific Highlands Ranch Subarea Plan area. District-1.)

NOTE: Hearing open. No testimony taken on 2/20/2001.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; adopt the resolution in subitem C to grant the map and the street vacation; adopt the resolution in subitem D to grant the permit; and introduce the ordinance in subitem B:

Subitem-A: (R-2001-1126) ADOPTED AS RESOLUTION R-294663

Adoption of a Resolution certifying that Findings to a Master Environmental Impact Report No. 99-1087 (Findings to EIR No. 96-7918 [MEIR SCH No. 97111077]) has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the development of the Barczewski property; that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

Subitem-B: (O-2001-117) INTRODUCED WITH DIRECTION, TO BE ADOPTED
MONDAY, APRIL 2, 2001

Introduction of an Ordinance changing 26.3 acres, located at 6559 Black Mountain Road south and north of proposed State Route 56 and east and west of Rancho Santa Fe Farms Road, in the Pacific Highlands Ranch Subarea III Plan area, from the AR-1-1 Zone (previously referred to as the A-1-10 Zone) to the RX-1-2 Zone, as defined by San Diego Municipal Code section 131.0404; and repealing Ordinance No. 9030 (New Series), adopted June 4, 1964, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-C: (R-2001-) ADOPTED AS RESOLUTION R-294664, GRANTING
THE MAP, WITH DIRECTION

Adoption of a Resolution granting or denying the Tentative Map, including the
Vacation of a portion of Rancho Santa Fe Farms Road.

Subitem-D: (R-2001-) ADOPTED AS RESOLUTION R-294665, GRANTING
THE PERMIT, WITH DIRECTION

Adoption of a Resolution granting or denying Planned Residential
Development/Resource Protection Ordinance Permit 99-1087.

OTHER RECOMMENDATIONS:

Planning Commission voted 4-0 to approve; was opposition.

Ayes: Garcia, Butler, Stryker, Steele
Not present: Anderson, Brown, Skorepa

The Planning Commission voted 4:0:0 to recommend approval of the staff's
recommendation including the additional conditions read into the record during the
hearing.

There is no officially recognized community planning group for this area.

SUPPORTING INFORMATION:

Barczewski Property proposes a street vacation of a portion of Rancho Santa Fe Farms Road, rezone from A-1-10(AR-1-1) to RX-1-2 (Residential), subdivision of a 26.3 acre site to develop 100 detached single family units and thirty-two multi-family apartments, with an option to develop 110 detached single family units on-site and thirty-one multi-family affordable apartments at an offsite location by means of a Street Vacation/Rezone/Tentative Map/Planned Residential Development/Resource Protection Ordinance Permit.

There is no officially recognized community planning group for this area. The Carmel Valley Community Planning Group, the adjacent community, voted 12:0:0 on January 9, 2001, to recommend: "If the trail is to be relocated to run along Carmel Valley Road, Rancho Santa Fe Farms Road and public Street "A", it must be formulated as an expanded landscaped parkway with setbacks and easements, allowing it to wind through the community".

The Planning Commission voted 4:0:0 to recommend approval of the staff's recommendation including the additional conditions read into the record during the hearing.

City staff recommends certification of the Findings to Master Environmental Impact Report LDR No. 99-1087; adoption of the Mitigation Monitoring and Reporting Program with all mitigation necessary to reduce, to a level of insignificance, all significant impacts of the project as identified in the Findings; adoption of the rezone ordinance, approval of the Street Vacation, Tentative Map, and Planned Residential Development/Resource Protection Ordinance Permit 99-1087 with the conditions contained in the draft Tentative Map resolution and draft permit.

FISCAL IMPACT: None.

No cost to the City, all costs are recovered by a deposit account funded by the applicant.

Loveland/Christiansen/JSF

LEGAL DESCRIPTION:

The project is located in the Pacific Highlands Ranch Community Subarea III, of the North City Future Urbanizing Area (NCFUA), just west of the existing Black Mountain Road and is more particularly described as Parcel 1 of Map No. 12337.

FILE LOCATION: Subitems A,C,D: PERM-98-0978 (65)
Subitem B: None

COUNCIL ACTION: (Tape location: B290-C346; C357-399.)

Hearing began at 11:10 a.m. and halted at 11:28 a.m.

Testimony in opposition by John Turner and Mark Tamson.

Testimony in favor by James Filicia.

MOTION BY PETERS TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTIONS; GRANTING THE MAP AND PERMIT WITH DIRECTION FROM COUNCIL MEMBER PETERS THAT STAFF OBTAIN AN INDEMNITY FROM THE DEVELOPER THAT WILL COVER US IN THE EVENT OF AN INVERSE CONDEMNATION CLAIM CONCERNING THIS EASEMENT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-nay, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Spruce Canyon Townhomes.

Matter of approving, conditionally approving, modifying or denying a Street Vacation, Tentative Map, Mid-City Development Permit and Hillside Review Permit. The project proposes to vacate portions of Union and Spruce Streets, to demolish nine, one-and-two-story structures containing 58 apartment units, and to construct a total of 60 residential dwellings. The new construction consists of 12, two-story structures containing 50 condominium units and four detached and six attached, single-family dwellings. The project includes deviations to the Mid-City Communities Planned District development standards. The 3.6 acre site is located on West Spruce Street and Ibis Street, between Columbia Street and the Union Street alignment. The current address of the existing apartment units to be demolished is 1101-1241 West Spruce Street.

(99-0799 SV/TM/MCD. Uptown Community Plan Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; adopt the resolution in subitem B to grant the map and the street vacation; adopt the resolution in subitem C to grant the permit:

Subitem-A: (R-2001-1207) ADOPTED AS RESOLUTION R-294666

Adoption of a Resolution certifying that the Negative Declaration No. 99-0799, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and State Guidelines thereto (California Code of Regulations section 15000 et seq.); that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Spruce Canyon Townhomes development; that the Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore the Negative Declaration is hereby approved.

Subitem-B: (R-2001-) ADOPTED AS RESOLUTION R-294667, GRANTING
THE MAP

Adoption of a Resolution granting or denying Tentative Map No. 99-0799 and Street Vacation No. 99-0799.

Subitem-C: (R-2001-) ADOPTED AS RESOLUTION R-294668, GRANTING THE PERMIT

Adoption of a Resolution granting or denying Mid-City Development Permit No. 99-0799.

OTHER RECOMMENDATIONS:

Planning Commission voted 5-0 to approve; no opposition.

Ayes: Steele, Brown, Butler, Stryker, Garcia
Not present: Skorepa

The Uptown Community Planning Group has recommended approval of the project.

SUPPORTING INFORMATION:

The subject property is a 3.6 acre site located on the south side of Spruce Street easterly of Columbia Street within the Uptown Community Plan area. The site is zoned R1-10000 and MR-1500, a multi-family zone within the Mid-City Communities Planned District. The project proposes to vacate portions of Spruce Street and Union Street, to demolish nine (9) existing apartment buildings, and to construct 60 new residential units, including 50 condominiums and 10 single-family units. The proposal includes a Street Vacation to vacate portions of Union Street and Spruce Street, and a Tentative Map. The following actions have been requested by the property owners:

4. A Street Vacation to vacate portions of Spruce Street and Union Street.
5. A Tentative Map to create 18 lots for the construction of 50 condominiums and 10 single-family units.
6. A Mid City Development Permit for the proposed new construction to include deviations to the underlying zone development standards.

Community Planning Group Recommendation: On October 5, 1999, the Uptown Community Planning Group voted 10-1-2 to recommend approval of the project.

Planning Commission Recommendation: On February 1, 2001, the Planning Commission

considered this project and voted unanimously by a vote of 6-0 to recommend that the City Council adopt City staff recommendations to approve the project as presented in the Planning Commission Report No. P-01-018.

Manager's Recommendation: The City Manager recommends that the City Council approve the requested Street Vacation, Tentative Map and Mid City Development Permit No. 99-0799. The City Council must first Certify Negative Declaration No. 99-0799.

Traffic Statement: This project is estimated to generate 480 average daily trips (ADT). Two hundred and forty of these trips are estimated to occur on the nearby Interstate 5 which has an estimated near term plus project volume of 149,240. There are no improvements planned by CalTrans on Interstate 5 in the vicinity of this project.

FISCAL IMPACT: None

Loveland/Christansen/SMT

LEGAL DESCRIPTION:

The 2.8-acre site is more particularly described as being located on West Spruce Street and Ibis Street, between Columbia Street and the Union Street alignment, within the Uptown Community Plan area.

FILE LOCATION: Subitem A,B,C: PERM-99-0799 (65)

COUNCIL ACTION: (Tape location: C347-356.)

MOTION BY PETERS TO ADOPT, GRANTING THE MAP AND PERMIT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Hip Pocket LLC, SDP.

(Continued from the meeting of February 27, 2001, Item 333, at the request of Council Member Stevens for proper noticing.)

Matter of the appeal of Sera Larkins, from the decision of the Planning Commission in approving with a condition, an application for a Site Development Permit to demolish a single dwelling unit and construct two detached dwelling units on a .22 acre site at 906 W. Lewis Street in the Uptown Community Plan area.

(SDP-40-0601. Uptown Community Plan Area. District-2.)

NOTE: Hearing open. No testimony taken on 2/27/2001.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and grant the permit:

(R-2001-) ADOPTED AS RESOLUTION R-294672, DENYING THE APPEAL
AND GRANTING THE PERMIT

Adoption of a Resolution granting or denying the appeal and granting or denying Site Development Permit No. 40-0601, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on December 14, 2000, voted 6-0 to approve with the condition that the landscape plan be amended to allow pedestrians travel between curb and property line, along the property to connect with the natural pathway at the art piece at Goldfinch and Lewis Streets, but not at the risk of harming the mature trees; was opposition.

Ayes: Anderson, Skorepa, Steele, Brown, Butler, Stryker
Recusing: Garcia

The Uptown Community Planning Group on November 7, 2000, voted 10-0-0 to recommend approval of the proposed Site Development Permit.

SUPPORTING INFORMATION:

This project is located at 906 West Lewis Street, west of Goldfinch Street (a paper street north of West Lewis Street), in the Uptown Planning Area. The proposed site is a split-zoned site (MR-1000 Zone in a front portion and RS-1-1 Zone in a rear portion). The project is also located

within the Mid-City Planned District and proposes demolishing a single dwelling unit located on the first two of four lots. A lot consolidation from four lots to two and construction of two detached dwelling units on the resulting two consolidated lots is also proposed. The project is on a 0.22-acre, steeply sloping site and borders on the Multiple Habitat Planning Area (MHPA) to the north of the project site.

FISCAL IMPACT: None.

All costs associated with processing this project are recovered from a separate deposit provided by the applicant.

Loveland/Christiansen/MED

LEGAL DESCRIPTION:

The project is located at 906 W. Lewis Street, west of Goldfinch Street (a paper street north of Lewis Street) in the Uptown Planning Area. The proposed site is a split-zoned site (MR-1000 Zone in front and RS-1-1 Zone in the rear.) The project is on a 0.22-acre, steeply sloping site and borders on the Multiple Habitat Planning Area (MHPA) to the north. The project site is more particularly described as Lots 13-16, Block 35, within the Arnold & Choates Subdivision, Map No. 334.

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15303-3, New Construction or Conversion of Small Structures.

FILE LOCATION: PERM 40-0601 (65)

COUNCIL ACTION: (Tape location: D129-E187.)

Hearing began at 2:18 p.m. and halted at 3:04 p.m.

Testimony in opposition by Sara Larkins.

Testimony in favor by John Birch.

MOTION BY ATKINS TO DENY THE APPEAL AND GRANT THE PERMIT.

Second by Madaffer. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maisenschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-335: Two actions related to Southcrest Park Estates Phase II Maintenance Assessment District.

(Southcrest Community Area. Districts-4 and 8.)

(Continued from the meeting of 3/05/2001, Item 200, at the City Manager's request, for further review.)

NOTE: Hearing Open. No public testimony taken on 3/05/2001.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-929) CONTINUED TO TUESDAY, APRIL 3, 2001

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Southcrest Park Estates II Maintenance Assessment District.

Subitem-B: (R-2001-931) CONTINUED TO TUESDAY, APRIL 3, 2001

Approving the Fiscal Year 2002 Budget.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessment for the Southcrest Park Estates Phase II Maintenance Assessment District (District). The District is located in the Southcrest Community situated east of Interstate 5 along the north side of Chollas Creek drainage channel between 35th Street and 38th Street and the south side of Chollas Creek drainage channel between 38th Street and 39th Street. The purpose of the District is to fund the maintenance of 1.39 acres of landscaped slope and irrigation adjacent to the Chollas Creek drainage channel.

The Fiscal Year 2002 proposed maintenance costs for the District are as follows:

<u>DESCRIPTION</u>	<u>FUND</u>			
	<u>OPERATIONS</u>	<u>RESERVE</u>		<u>TOTAL</u>
BEGINNING BALANCE	\$ 0.00	\$ 0.00	\$	0.00

REVENUE:

Assessments	\$ 27,680.00	0.00	\$ 27,680.00
Interest	0.00	0.00	0.00
City Contribution	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL REVENUE	\$ 27,680.00 \$	0.00	\$ 27,680.00

TRANSFER	(3,105.00)	3,105.00	0.00
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EXPENSE:

Personnel	\$ 3,222.00	\$ 0.00	\$ 3,222.00
Contractual	11,000.00	0.00	11,000.00
Incidental	5,973.00	0.00	5,973.00
Utilities	<u>4,380.00</u>	<u>0.00</u>	<u>4,380.00</u>
TOTAL EXPENSE	\$ 24,575.00	\$ 0.00	\$24,575.00

ENDING BALANCE	\$ 0.00	\$ 3,105.00	\$ 3,105.00
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The proposed assessment for Fiscal Year 2002 is \$444.48 per Equivalent Benefit Unit (EBU), with a maximum assessment authorized of \$597.03 per EBU. The assessment may be indexed annually by the factor published in the San Diego CPI-U. The District contains a total of 62.28 EBU's.

FISCAL IMPACT:

All costs are assessed to the District. There is no net fiscal impact.

Loveland/McLatchy/SY

NOTE: See the Redevelopment Agency Agenda of March 20, 2001 for a companion item. The Redevelopment Agency item should be taken first.

FILE LOCATION: Subitems A,B: STRT-M-423-02 (34)

COUNCIL ACTION: (Tape location: B237-246.)

MOTION BY STEVENS TO CONTINUE TO TUESDAY, APRIL 3, 2001 FOR FURTHER REVIEW. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-336: Issuance of Multifamily Housing Revenue Bonds for New Construction of Fox Hollow Apartments.

(See San Diego Housing Commission Report HCR-01-032-Revised. City Heights Community Redevelopment Plan Area. District-3.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1208 Cor. Copy) ADOPTED AS RESOLUTION R-294673

Approving the issuance of bonds by the Housing Authority of the City of San Diego in a principal amount not to exceed \$7,000,000 for the Fox Hollow Apartments Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E202-G484.)

Hearing began at 3:05 p.m. and halted at 4:47 p.m.

Testimony in opposition by Theresa Quiroz, Al Stasukevich, Patty Vaccariello, Jessie Seregent, Faith Calloway, Gregg Diethrich, Jim Varnadore, Michael Dunn, David Nelson.

Testimony in favor by Melissa Trunnell, Charles Ashley.

MOTION BY ATKINS TO ADOPT WITH THE CONDITION THAT THE APPLICANT ATTEND A COMMUNITY MEETING ON APRIL 2, 2001, AND WORK WITH THE COMMUNITY TO RESOLVE THEIR CONCERNS. THIS ITEM SHALL BE RE-DOCKETED WITH A RESOLUTION THAT WOULD ALLOW COUNCIL TO PULL THE APPLICATION IF COUNCIL'S REQUIREMENTS ARE

NOT MET AND THE COMMUNITY'S CONCERNS ARE NOT RESOLVED. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-nay, Maienschein-nay, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-337: Two actions related to Two Parking Lease Agreements with International Gateway Associates, LLC for the Gateway of the Americas Project Shopping Center (Lease 1 for Parcels B and C; and Lease 2 for Parcel A).

(San Ysidro Redevelopment Project Area and San Ysidro Community Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the Ordinances in Subitem A and Subitem B which were introduced on 2/27/2001 (Council voted 6-1. Councilmember Stevens voted nay. Districts 6 and 8 vacant.):

Subitem-A: (O-2001-120) ADOPTED AS ORDINANCE O-18932 (New Series)

Approving a Public Use Lease (Parcel A) with International Gateway Associates, LLC, for Park and Ride Facilities at the International Gateway of the Americas Shopping Center (Parcel A).

Subitem-B: (O-2001-119) ADOPTED AS ORDINANCE O-18933 (New Series)

Approving a Public Use Lease (Parcels B/C) with International Gateway Associates, LLC, for Park and Ride Facilities at the International Gateway of the Americas Shopping Center (Parcels B and C).

NOTE: 6 votes required for Subitems A and B, pursuant to Section 99 of the City Charter.

FILE LOCATION: Subitem A,B: LEAS-International Gateway Associates,
LLC

COUNCIL ACTION: (Tape location: G519-520.)

MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Stevens. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-338: Equipment and Vehicle Financing Program.

(See City Manager Report CMR-01-049.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-130) INTRODUCED, TO BE ADOPTED ON MONDAY,
APRIL 2, 2001

Introduction of an Ordinance authorizing the City Manager to execute a Master Lease Agreement with Ford Motor Credit Company (Ford) to serve as primary lease provider for the three-year lease term and back-up for the four-year lease term agreements for the purpose of financing the acquisition of equipment through lease-purchase;

Authorizing the City Manager to execute a Master Lease Agreement with Koch Financial Corporation (Koch) to serve as primary lease provider for the four-year lease term and as back-up lease provider for the five-, six-, and seven-year lease term agreements for the purpose of financing the acquisition of equipment through lease-purchase;

Authorizing the City Manager to execute a Master Lease Agreement with PB Municipal funding, Incorporated (PBMF) to serve as a primary lease provider for

the five-, six-, and seven-year lease term agreement for the purpose of financing the acquisition of equipment through lease-purchase.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: G521-536.)

MOTION BY PETERS TO INTRODUCE THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.

ITEM-339: Point Loma - Administration Building Renovation.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1168) ADOPTED AS RESOLUTION R-294674

Approving the plans and specifications for furnishing all labor, material, tools, equipment, transportation, and other expense necessary or incidental for the Point Loma - Administration Building Interior Improvements on Work Order No. 176654, a sublet of the Point Loma - Operations Building and Visitor Center;

Authorizing the City Auditor and Comptroller to transfer \$695,000 from Fund No. 41509, CIP-41-925.0, Point Loma - Fourth Sludge Pump and Other Modifications, to Fund No. 41508, CIP-46-180.0, Point Loma - Operations Building and Visitor Center;

Authorizing the expenditure of an amount not to exceed \$695,000, consisting of \$640,000 for project construction and related costs and \$55,000 for project contingency, to be expended from Fund No. 41508, CIP-46-180.0, Point Loma -

Operations Building and Visitor Center, to provide funds for CIP-46-180.1, Point Loma - Administration Building Interior Improvements, a sublet of the project. (BID-K011114)

CITY MANAGER SUPPORTING INFORMATION:

The existing Administration Building at the Point Loma Wastewater Treatment Plant (PLWTP) was constructed in the early 1960's with the construction of the plant. Over the past 30 years, the PLWTP has been expanded and upgraded to meet the treatment capacity needs of the region.

During that period, operations and maintenance staff were housed throughout the plant in the Administration Building, the Maintenance Building and in numerous trailers. The Engineering staff was also housed in trailers. In 1994, a Master Plan was prepared for the current expansion and upgrades to the PLWTP. Council approved the Environmental Impact Report for the Master Plan improvements in April 1, 1996 (Resolution R-287113). As part of the Master Plan improvements, a new Operations Building and Visitor Center (OB&VC) building and an expansion to the existing Maintenance Building were completed in 2000. The operations and maintenance staff that were previously located around the plant were relocated to these buildings. The OB&VC includes a new larger lab facility which replaced a smaller lab located in the Administration Building. A second phase expansion of the Maintenance Building was also planned in the Master Plan for relocating the engineering staff currently located in trailers. By renovating the new vacant Administration Building to house the engineering staff, the planned second phase expansion of the Maintenance Building will be reduced in scope and deferred for the foreseeable future. Interior renovation of the Administration Building includes replacing the old lab area with new offices, plant documentation storage facilities and a conference room. In keeping with our Good Neighbor Policy, this project will allow the City to remove the existing trailers from the PLWTP and improve the views from the adjacent Cabrillo National Monument.

FISCAL IMPACT:

The total cost of this action is \$695,000 of which \$550,000 is for construction, \$90,000 is for related costs, and \$55,000 is for contingency from Fund 41508, CIP- 46-180.0, Point Loma - Operations Building & Visitor Center.

Loveland/Schlesinger/JAW

Aud. Cert. 2100918.

FILE LOCATION: W.O. 176654

COUNCIL ACTION: (Tape location: G537-539.)

MOTION BY PETERS TO ADOPT. Second by Stevens. Passed by the following vote:
Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, District
6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-340: Ocean View Hills Parkway - Clayton Settlement.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1212) ADOPTED AS RESOLUTION R-294675

Authorizing the City Manager to execute a Grant Deed to Pardee Construction Company for the conveyance of 0.62 acres of excess land acquired as part of the settlement of an eminent domain action, City of San Diego v. Norman E. Clayton, et al., S.C.C. BC206195 on August 16, 2000.

CITY MANAGER SUPPORTING INFORMATION:

On November 25, 1997, the City Council approved Resolution No. R-283486, an Eminent Domain action to acquire the right of way necessary for the construction of Ocean View Hills Parkway. One of the parties named in this action was Norman E. Clayton, et al. On August 16, 2000, a Stipulated Judgement was entered and a Final Order of Condemnation was filed to settle the case. As part of the settlement, the City agreed to purchase one parcel in fee Parcel "F", an uneconomic remnant. The source of funds for the purchase of the remnant were from Pardee Construction Company's Developers Trust Account. Since Pardee's funds were used to purchase the remnant, Pardee requested the City to convey this parcel to them reserving a slope easement for the City street. City Staff recommends the approval of the execution of this deed conveying this parcel to Pardee.

FISCAL IMPACT:

None.

Herring/Griffith/RAG

FILE LOCATION: DEED F-7983

COUNCIL ACTION: (Tape location: G551-558.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-341: COPS (Community Oriented Policing Services) in Community Prosecution.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1178) ADOPTED AS RESOLUTION R-294676

Authorizing the Chief of Police to apply for, accept, manage and expend funds for the COPS (Community Oriented Policing Services) in Community Prosecution Grant;

Declaring that the authorization shall include all aspects of grant acceptance, operation, contracts, expenditures, and certifications, and that the City will comply with all applicable statutory and/or regulatory requirements related to the program;

Authorizing the Chief of Police to accept, expend and administer any amendments, extensions, renewals, or future funding of the program for a period of up to five years, provided funding is made available by the U.S. Department of Justice;

Authorizing the City to provide the required matching resources, and ongoing costs of operation relating to the program, including any amendments thereof, under the Program and funding terms and conditions of the U.S. Department of Justice;

Declaring that grant funds and/or resources received shall not be used to supplant expenditures controlled by the City;

Declaring that personnel positions funded hereunder are not subject to local hiring freezes.

CITY MANAGER SUPPORTING INFORMATION:

The U.S. Department of Justice, under the Crime Act of 1994 as administered by the Office of Community Oriented Policing Services (COPS), has solicited proposals for "COPS in Community Prosecution" grants. The purpose of the grants is to establish community based Police/Prosecutor partnerships which support and enhance neighborhood policing, problem solving and crime prevention. The San Diego Police Department and City Attorney have prepared a joint application requesting funding for two Police Officers to partner with Deputy City Attorneys to proactively and creatively identify and combat crimes that impact neighborhood quality of life. The Officers and Prosecutors will share information and work together to engage the community in managing various quality-of-life issues. These partnerships will enhance the overall problem-solving efforts by applying varied knowledge, skills, experiences and strategies to crime prevention and law enforcement at the neighborhood level.

FISCAL IMPACT:

The terms of this grant are identical to other COPS Hiring Grants. The U.S. Department of Justice, Office of Community Oriented Policing Services, pays a total of \$75,000 per officer for salaries and benefits over a three-year period. The City pays the balance of salaries and benefits (\$103,283 per officer over three years); plus non-personnel expenses (NPE) of \$26,920 per officer in year one, and \$10,870 per officer in year 2 and year 3. The City must maintain the funded officer positions for "one full budget cycle" after the grant ends, for additional personnel and NPE cost of \$77,052 per officer. Total four-year City obligation is \$228,995 per officer. Total four year City obligation for two officers is \$457,990.

NOTE: COPS bases grant funding calculations on new, entry-level officers. Experienced officers are assigned to the grant program, and the new officers "backfill" the vacated positions.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G559-H126.)

MOTION BY STEVENS TO ADOPT. Second by Peters. Passed by the following vote:
Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, District
6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-342: Request for Advanced Funding for SANDAG, and Contract Extension -
"Rubberized Emulsion Aggregate Slurry Coating of Various Streets City Wide
Group S-5" Bid No. K01008-C.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1209) ADOPTED AS AMENDED AS RESOLUTION R-294677

Authorizing the expenditure of \$3,103,300; \$1,600,532 from Street Division's
Operation Fund 10440 and \$1,502,768 from 30244/CIP-59-001.0, Annual
Allocation to be funded by TransNet fund 30306 for funding the slurry seal
extension contract provided that the City Auditor first furnishes a certificate
demonstrating that the funds necessary for the expenditure are, or will be, on
deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering
department, to transfer any excess funds to the appropriate reserve;

Authorizing the City Manager to request advance funding from SANDAG through
the TransNet Commercial Paper Program in an amount not to exceed \$1,502,768
and to execute any necessary documents relating to the receipt of the funds, with
principal amount of \$1,502,768 to be repaid before the end of the Fiscal Year
2007;

Declaring that the City will be responsible for paying its share of interest and administrative costs for the TransNet commercial paper program and that these costs will be the first priority use of future TransNet revenues;

Authorizing the City Manager to execute an option contract with American Asphalt Repair & Resurfacing Co., Inc., contingent upon the City Auditor and Comptroller furnishing one or more certificates demonstrating that funds necessary for expenditure are on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

On August 2, 1999 the City Council approved specifications and authorized the Contract Services Division to invite bids for Rubberized Emulsion Aggregate Slurry Coating of Various Streets City Wide Group "S-4", (Resolution R-292047) Bid No. K-20048. The bid specification offered bidders the option of renewing this contract for a one year period to slurry coat additional city streets. The low bidder, American Asphalt Repair & Resurfacing Co., Inc. has indicated that they are willing to exercise this option and do additional slurry sealing at the same price, terms and conditions. The City has had favorable results in the current contract and now wish to exercise the option and increase the contract. This action also allows the City of San Diego to request up to \$1,502,768 from SANDAG through the TransNet Commercial Paper program as needed. This slurry seal contract is part of the City's Annual/Enhancement Street Maintenance Program. This type of slurry seal coating lasts longer, better resist damage from water / rain, and stays black in color longer. Slurry seals are a pavement surface treatment applied as part of a Comprehensive Pavement Maintenance Program. It is used on streets which are in good condition to keep them in good condition. Slurry sealing, when used in a timely manner can be very effective in reducing the need for later, more expensive pavement repairs. The proposed contract provides for the sealing of approximately 125 miles throughout the City. In an effort to coordinate with underground utility work a final list of locations for this project will not be developed until just prior to the start of work which is expected to commence in March of 2001, (after the wet season). The Mayor and Council will be provided a final list of streets, and any subsequent changes as soon as they are available.

FISCAL IMPACT:

Funds for this project are available as follows; \$1,600,532 from Street Division Operating Fund 10440, \$1,502,768 from 30244 / CIP-59-001.0 Annual Allocation to be funded by TransNet Fund 30306 for Slurry Sealing City Streets for a total of \$3,103,300.

Loveland/Sierra/MDD

FILE LOCATION: CONT-American Asphalt Repair & Resurfacing Co., Inc.

COUNCIL ACTION: (Tape location: H134-635.)

MOTION BY MADAFFER TO AUTHORIZE THE EXPENDITURE OF \$1,600,532 FROM STREET DIVISION'S OPERATION FUND 10440 FOR FUNDING THE SLURRY SEAL EXTENSION CONTRACT AND DEFER BORROWING \$1,502,768 FROM THE TRANSNET ANNUAL ALLOCATION FUND PENDING COUNCIL'S FURTHER INVESTIGATION OF THE MATTER. Second by Stevens. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-nay, Mayor Murphy-yea.

ITEM-343: Design Amendment of Point Loma Headworks and Sedimentation Basins.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1194) ADOPTED AS RESOLUTION R-294678

Authorizing the City Manager to execute a fourth amendment to the agreement of December 5, 1994, with Black & Veatch, for engineering and design services in connection with the Point Loma - Headworks, Odor Control and Grit Processing Facilities;

Authorizing the expenditure of an amount not to exceed \$230,000 from Sewer Fund No. 41508, CIP-46-175.0, Point Loma - Headworks, Odor Control and Grit Processing Facilities to provide funds for Amendment No. 4.

CITY MANAGER SUPPORTING INFORMATION:

The design contract with Black and Veatch provides for design and construction support for four

separate capital improvement projects at the Point Loma Wastewater Treatment Plant (PLWTP). The original design contract was approved by Council on December 9, 1994 (Resolution R-285066). Two no cost amendments (No. 1 and 2) were approved through the City Manager and Amendment No. 3 was approved by Council on August 18, 1999 (Resolution R-292317). The first improvement project was completed in 1998 and included ocean bluff stabilization work at a cost of \$1.9 million. Three additional projects totaling about \$30 million are still under construction. These projects include concrete restoration and other improvements to the sedimentation basins, interim improvements to the Headworks, Odor Control and Grit Processing Facilities, and automated control improvements. Completion of these projects is scheduled in 2001, which is eight months later than originally scheduled due to differing site conditions, operational changes, and contractor delays. These delays require an extension and amendment to the Black and Veatch Design Contract for on-site engineering and construction support. The design amendment will provide additional services for start-up assistance, design work for safety equipment needed for maintenance personnel, and added instrumentation and control systems work.

The plant has been undergoing improvements plant-wide for automated control and remote monitoring systems. Since the automated improvements are extensive and plant operations must be maintained, the improvements are being performed sequentially. As part of that sequential work, the designer must prepare interim start-up plans and operating manuals. Final automated start-ups of the Sedimentation Basins and Headworks projects are scheduled for later this year, and design services are needed to integrate that design into the plant-wide system. Finally, additional specialty inspections of odor control equipment fabrications are a part of this amendment.

FISCAL IMPACT:

Amendment No. 4 with Black and Veatch will add \$230,000 for a new contract total of \$4,745,240. Funding is available in Fund 41508, CIP-46-175.0, Point Loma - Headworks, Odor Control, and Grit Processing Facilities.

Loveland/Schlesinger/JAW

Aud. Cert. 2100923.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I042-049.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-344: Best Management Practices Implementation Support by Deloitte and Touche, LLP.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1216) RETURNED TO THE CITY MANAGER

Authorizing the City Manager to execute an agreement with Deloitte and Touche, LLP to provide consulting services to the City with respect to the City's implementation of the Injury Tracking and Safety System project in its Risk Management Department;

Authorizing the expenditure of an amount not to exceed \$182,892 as follows: \$145,260 from Fund 50066 and \$37,632 from Fund 60029.

CITY MANAGER SUPPORTING INFORMATION:

This request is for Council approval of an agreement between the City of San Diego and Deloitte & Touche, LLP (D&T) to assist the City with the implementation of the Injury Tracking and Safety System (ITSS) project. This is an "A-List" information technology project with City-wide impact led by Risk Management in conjunction with Information Technology & Communications to implement a new, automated information system in parallel with Best Management Practices in the Risk Management Department. On May 5, 2000, the City entered into a contract with D&T for consulting services on the Injury Tracking and Safety System project. D&T was selected through a competitive process to assess the operations of the Risk Management Department's Workers' Compensation, Long-Term Disability and Occupational Safety and Health programs and to provide recommendations for the implementation of Best Management Practices (BMPS) and information systems. D&T has completed its assessment, provided its analysis and recommendations and fulfilled its contractual obligations under the terms and conditions of the original agreement. The City has identified the following five major

areas for continued implementation support from D&T. (1) Revision and renegotiation of the Industrial Medicine Contract to include performance measures that ensure contractual obligations and expectations are being met by the vendor.

(2) Assistance with the development of a Call-In-Center Request for Proposals to implement the Best Management Practice of a toll free injury/accident reporting method to ensure timely notification of workers' compensation claims.

(3) Implementation Readiness Assistance to support and facilitate collaboration between the City and the selected vendors for managed care and call-in-center services. (4) Managed Care Continuous Process Improvements are needed as substantial adjustments to the current managed care program are implemented. Independent assessment of vendor performance, timely communication of results and accountability are essential to ensure the City is getting the best value from this \$2 million/year service contract. (5) Ongoing Project Management of Business Process Improvements Initiatives to assist the City in its overall business process reengineering efforts as identified in the Risk Management Transition & Change Management Strategy Report. The total cost for these services is \$182,892, and the contract proposal includes the Scope of Work and specific list of D&T deliverables to the City. D&T is a proven leader in the field of Risk Management consulting, has unique expertise on the ITSS project and detailed knowledge of project goals. The time and cost constraints of releasing a RFP for these services would negatively impact the ITSS project implementation schedule. Given D&T's expertise in this arena and their specific experience with the City on this project, the Manager recommends proceeding with this contract as a sole source agreement.

FISCAL IMPACT:

Funding for this request is available from the Citywide A-list Project fund: Fund 50066, Department 50066, Job Order 000009, and from the Workers' Compensation Fund 60029, Department 6029. (Fund 50066 - \$145,260; Fund 60029 - \$37,632)

Lexin/Oliva/MJD

Aud. Cert. 2100940.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A393-412.)

MOTION BY PETERS TO RETURN TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Atkins. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:38 p.m. in honor of the memory of:

Mary Elizabeth Long as requested by Council Member Maienschein, and
Lester E. Earnest as requested by City Clerk Charles Abdelnour.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: I050-090).